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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,986	03/30/2004	Tsuyoshi Tanabe	Q80616	3135

23373 7590 09/11/2006

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EXAMINER

KOHNER, MATTHEW J

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/811,986

Applicant(s)

TANABE, TSUYOSHI

Examiner

Matthew J. Kohner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/30/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,478,864 to Iesaka (*hereinafter* "Iesaka") in view of Japanese Patent No. 6-171816 to Igarashi (*hereinafter* "Igarashi").

Iesaka discloses a sheet discharging apparatus (10) comprising:

a conveyor (26) for conveying a sheet on a conveying path;

a discharging device (28) disposed near an exit of said conveying path for discharging out said sheet, said discharging device being positioned apart from said conveyor, a discharging speed of said discharging device being higher than a conveying speed of said conveyor (col. 8, lines 3 *et seq.*)

Iesaka does not disclose a pushing device for allowing said discharging device to discharge said sheet by pushing said sheet toward said discharging device, when a rear edge of said sheet passes said conveyor.

However, Igarashi discloses a pushing device for allowing a discharging device to discharge a sheet by pushing the sheet toward said discharging device, when a rear edge of said sheet passes said conveyor. Igarashi discloses this pushing device for the purpose of surely

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conducting the paper to the stacker (see translated abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Iesaka to include a pushing device, as taught by Igarashi, for the purpose of surely conducting the paper to the stacker.

In regard to claim 2, Igarashi discloses both a retracted position and a push position (see Fig. 2).

In regard to claim 3, Igarashi discloses both a guide member (8) and push roller (9) attached to the guide member.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,135,448 to Daito (*hereinafter* "Daito") in view of Japanese Patent No. 6-171816 to Igarashi (*hereinafter* "Igarashi").

Daito discloses a sheet discharging apparatus comprising:

a conveyor (50/51) for conveying a sheet on a conveying path;

a discharging device (52) disposed near an exit of said conveying path for discharging out said sheet, said discharging device being positioned apart from said conveyor, a discharging speed of said discharging device being higher than a conveying speed of said conveyor (col. 9, lines 7 *et seq.*)

Daito does not disclose a pushing device for allowing said discharging device to discharge said sheet by pushing said sheet toward said discharging device, when a rear edge of said sheet passes said conveyor.

However, Igarashi discloses a pushing device for allowing a discharging device to discharge a sheet by pushing the sheet toward said discharging device, when a rear edge of said sheet passes said conveyor. Igarashi discloses this pushing device for the purpose of surely conducting the paper to the stacker (see translated abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Daito to include a pushing device, as taught by Igarashi, for the purpose of surely conducting the paper to the belt portion (116).

In regard to claim 2, Igarashi discloses both a retracted position and a push position (see Fig. 2).

In regard to claim 3, Igarashi discloses both a guide member (8) and push roller (9) attached to the guide member.

Allowable Subject Matter

Claims 4-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kohner whose telephone number is 571-272-6939. The examiner can normally be reached on Mon-Fri 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on 571-272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew J. Kohner
Examiner
Art Unit 3653

mjk



**PATRICK MACKEY
PRIMARY EXAMINER**